

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6348

BILL NUMBER: SB 91

NOTE PREPARED: Feb 14, 2008

BILL AMENDED: Feb 14, 2008

SUBJECT: Foster Care Sibling Visitation.

FIRST AUTHOR: Sen. Delph

FIRST SPONSOR: Rep. Avery

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill requires the Department of Child Services (DCS) to promote sibling visitation for every child who receives foster care. It also allows a sibling or certain other individuals to request visitation if one of the siblings is receiving foster care. It requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. This bill provides that if DCS denies a request for sibling visitation, a guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. It also requires a court to grant sibling visitation if the court determines sibling visitation is in the best interest of the child who is receiving foster care.

(The introduced version of this bill was prepared by the Interim Study Committee on Missing Children.)

Effective Date: July 1, 2008.

Explanation of State Expenditures: (Revised) Current DCS policy encourages sibling visitation, but accommodating these requests is largely at the discretion of the foster parents unless ordered by the court. This bill requires DCS to accommodate requests for sibling visitation if either one or both siblings are in foster care. The bill will create statutory authority for DCS to provide for visitation if siblings request visitation irrespective of the foster parents' wishes. This bill may increase the work of the Department to the extent that sibling visitation is requested by either children in foster care or certain other individuals who have responsibilities of supervision or representation of these children. DCS reports that providing for sibling visitation should not have a fiscal impact.

The bill also allows for a Court Appointed Special Advocate (CASA) or Guardian At Litem (GAL) to act on behalf of children denied sibling visitation to address the court on behalf of these children to secure

visitation orders and schedules. Additionally, the juvenile courts can appoint a GAL or CASA to a child receiving foster care if the child requests sibling visitation. All children in foster care are considered Children in Need of Services (CHINS), and these children receive either a GAL or a CASA to represent their interests in court. Requiring appointment of either a GAL or CASA to a CHINS to petition for sibling visitation would not increase the workload of these child advocates.

Currently, the juvenile court system holds periodic reviews for each CHINS approximately every six months. At any time after the date of a dispositional decree the juvenile courts may order DCS to file a report on the progress of the implementation of said decree. Additionally, a report on the status of the decree's implementation is required by DCS every three months after a judicial decree is made. A juvenile court can review this report and can consider modifications to the implementation of the decree. During CHINS review hearings it is the judge's responsibility to inquire about sibling visitation in addition to other matters. There are no standard investigative procedures in the juvenile court system, so guidance pertaining to information gathering in these cases is largely left to the judges' discretion. A judge can order whatever he or she feels is in the best interest of the child during these hearings. Any order the judge makes is legally binding and must be carried out by foster parents.

DCS reports this bill will allow GALs and CASAs to request emergency hearings on behalf of children in foster care if sibling visitation is not provided for. This may increase the caseload of the court system to the extent that emergency hearings are requested.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DCS; Juvenile Court System; Division of State Court Administration; GAL/CASA Program.

Local Agencies Affected: Foster Care Providers.

Information Sources: Cassandra Porter, DCS (317) 234-4211, Nancy Gettinger, Indiana Judicial Center (317) 232-1313, Leslie Rogers, Indiana State Director Guardian At Litem/Court Appointed Special Advocate Program; Division of State Court Administration, (317) 233-0024; Ann Houseworth, DCS, 234-4484.

Fiscal Analyst: Bill Brumbach, 232-9559.